

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

6 JUNE 2006

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag led by Boy Scout Troop 314 from St. Andrews Episcopal Church.

The Manager recognized Heather Ragosta, employee in the Human Resources Department, who served as courier for the meeting.

Donna Gray, Organizational Development and Communication Department, was recognized and commended for her assistance to Council and members of the community.

The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Holliday asked if anyone wished to speak as a Speaker from the Floor and noted that comments with regard to the budget would be heard later in the meeting.

Anna Romanet, residing at 1716 Bear Hollow Road, and Fred Guttman, Rabbi at Temple Emanuel, spoke to Ms. Romanet's personal efforts to raise funds to provide heat and hot water to serve a women's hospital in Beltsy, Moldova that they believed would drastically reduce the infant mortality rate. Providing details with regard to a fund-raising concert, they encouraged Council and citizens to attend and support this worthwhile effort.

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Erin Sykes, residing at 4 Henderson Court, detailed expenses involved with participating in swim meets; stated she believed an aquatic center would be beneficial to Greensboro, the swimming community and the general public; and encouraged Council to include a center in the bond referendum.

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Ted Oliver, residing at 4206 Tallwood Drive, President of the Greensboro Swimming Association (GSA), spoke to the need for an aquatic center in Greensboro, stated he supported placing the center near the Coliseum and under the facility's management to maximize activity and revenue, detailed what he believed would be the financial benefits of the center to the local economy, and requested Council to include the center on the bond referendum.

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Don Gilchrist, residing at 1604 West End Place, noted his longtime affiliation with GSA, spoke to the financial benefits he believed an aquatic center would bring to Greensboro, described the service it would provide to the swim community and families, and offered his support of placing the facility under Coliseum management.

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Expressing appreciation to Council for their service, Pat Danahy, President and Chief Executive Officer of Greensboro Partnership, spoke to the Partnership's creation, mission and efforts to take a lead role in the bond campaign; detailed Action Greensboro's fund-raising efforts for Downtown projects; and stated he believed a successful referendum was crucial for the quality of life of Greensboro citizens and important to economic development.

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Jennie Sykes, residing at 4 Henderson Court, detailed her family's participation in the Special Olympics, stated she supported placing an aquatic center on the bond referendum, and spoke to the many benefits she believed a Greensboro aquatic center would provide.

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Jean B. Williams, resident of the Warnersville Community, spoke in opposition to the proposed demolition of the JC Price School and the construction of a football center on that site. She offered her personal thoughts about the sale of this property, plans for development of the site, community problems and the education of young people in the area.

Assistant City Manager Robert Morgan stated that the property was owned by Guilford College, there were plans to demolish the building, and the College had a concept plan and was willing to work with the neighborhood to establish a neighborhood task force. In response to Council inquiry, Assistant City Manager Morgan advised the property was not an historical site.

Councilmember Bellamy-Small spoke to her visit to the area, stated that this site abutted residential property and that she did not believe the neighborhood would be able to handle traffic from a stadium; she advised that she had asked Assistant City Manager Morgan to meet with the neighborhood group to discuss their concerns.

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Luther Falls, Jr., residing at 303P Avalon Road, expressed appreciation for proposed improvements at Barber Park, spoke to his plans to work with young people in conjunction with the Greensboro Police Department, and provided details with regard to North Carolina A&T's Entrepreneurial Center.

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Bonnie Kuester, Parks and Recreation Department Director; and Candice Bruton, employee in the Department, reported that Greensboro was one of eight cities to be named one of North Carolina's first-ever Fit Community designees. They used a video to provide additional details about this prestigious designation.

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Mayor Holliday stated that this was the time and place set for a public hearing on the annual budget for fiscal year 2006-2007. He asked if anyone wished to be heard.

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Charles Hook, residing at 3116 Utah Place, stated that he believed Greensboro Transit Authority (GTA) had done a good job with available resources, spoke to the increase in the number of riders that had resulted in overcrowded busses, and requested Council to provide additional busses and implement the one-half hour bus service on all routes.

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Stating he was a member of the Greensboro Passenger Task Force, Lonnie Cunningham, residing at 1007 Ashe Street, reviewed the group's recommendations for an alternate proposal to GTA Task Force recommendations with regard to fixed routes that included modifications to existing bus passes, charge for cash fares, modest and gradual fare increases, etc.

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Anjail Ahmad, residing at 2 Ivy Glen Court, advised he was a member of the citizens' task force, spoke to his opinion that the unlimited monthly pass was important to citizens with disabilities, stated that trips being taken on SCAT were not excessive and offered the group's proposal for an unlimited pass with gradual, modest fare increases.

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James Mills, residing at 2703 Holmes Road, provided information about the history of bus service in Greensboro, spoke to his personal use of the GTA busses, and offered his thoughts and the perception of the business community with regard to the reliability of Greensboro bus service. He requested Council to provide additional busses, bus routes, and thirty-minute service on all routes to address the overcrowding on busses.

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Speaking in favor of thirty-minute bus service on all GTA routes, Alfreda Williams, residing at 402-B Sykes Avenue, detailed her family's personal use of the bus service for work, school, and other destinations.

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Stating that she was a member of the Passenger Task Force, Cynthia Vega, residing at 6 Portside Court, provided recommendations for moderate SCAT fare increases and stated that she did not support modifications to the ability to schedule standing order trips.

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Art Saunders, residing at 3005 East Greystone Point, stated he was a member of the Passenger Task Force; detailed the group's recommendations with regard to the no show and cancellation policy, including the assessment of a fee and revocation of ridership privileges under certain circumstances; and offered his personal thoughts about the no show and cancellation policy and the level of ridership by some citizens.

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Requesting Council to maintain the SCAT unlimited pass, Claire Holmes, residing at 1904 Colonial Avenue, spoke to the types of trips taken on busses and offered her thoughts with regard to fares, statistics for recouping expenses, mandated transportation service, etc.

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Aaron Shabazz, residing at 410 Rocky Knoll Road, stated that he believed the GTA Task Force SCAT fare recommendations were too high and would have a negative impact on persons with disabilities in the community. He outlined suggestions for moderate increases over a period of time for services, spoke in opposition to the elimination of the unlimited ride pass, noted other cities provided unlimited ride services and offered support of minor modifications to the cancellation and no show policy.

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Emphasizing the Library's importance to the Downtown, Bob Cone, residing at 606 Way Cross Avenue, spoke in opposition to the elimination of the information and reference staff at the Library, described the work of

this staff and the benefits they provided to the community, and detailed the negative impact the loss of this service would have on various resources, training and programs at the Central Library.

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Calvin Boykin, residing at 1111 West Florida Street, spoke to the importance of the Library's information and reference staff and the services they provided; he detailed the negative impact the loss of the services would have on citizens.

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Marilyn Miller, residing at 4103 West Friendly Avenue and President of the Friends of the Library, provided historical information with regard to the library system, spoke to the importance and excellence of the staff at the Downtown library and the many services they provide to the public, and stated that she believed cutting the staff could endanger the Library's \$300,000 grant from the State of North Carolina.

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David Wharton, residing at 667 Percy Street, spoke to services that would be lost if the Nussbaum Fund were eliminated; i.e., emergency shelters, neighborhood planning activities, low income multi-family housing, etc. Speaking to the cost of maintaining parks outside the City, he requested Council to consider making cuts in those areas before cutting basic city services.

Councilmember Phillips spoke to misinformation in the newspaper and explained that Council had discussed cutting only a portion of the Nussbaum Fund.

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Larry Standley, residing at 5413 Guida Drive and representing the Greensboro Housing Coalition Partnership, stated that all Nussbaum Fund dollars were critical to leverage federal and private dollars; he urged Council to support housing and the Housing Coalition.

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Shearon Sumner, residing at 1814 Swannonoa Drive, spoke in support of maintaining the Nussbaum Fund, stated she believed cuts would have a negative impact on citizens, noted the use of the funds to leverage federal and private money for housing, offered personal comments with regard to all housing needs, and suggested that Council might consider increasing taxes to provide necessary funds.

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Skip Crowe, residing at 6536 West Market Street and a member of the Greensboro Housing Coalition Board, stated that the Nussbaum Fund was critical and spoke to his work with the Coalition to leverage private dollars to increase new affordable housing.

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Beth McKee-Huger, residing at 408 Woodlawn Avenue, stated that Willena Cannon had asked her to express her support of a tax increase to provide decent affordable housing for other people. Ms. McKee-Huger stated that the Nussbaum Fund dollars were essential to ensure the receipt of federal and private dollars for housing, offered personal thoughts with regard to the benefits of investments in housing and requested that Council maintain the Nussbaum Fund.

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Bob Kelly, residing at 707 Pebble Drive, spoke to the work of Habitat for Humanity and the housing program in Greensboro; he expressed his opposition to the elimination of any portion of the Nussbaum Fund.

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Requesting that no cuts be made to the Library, Gwen McAllister, residing at 3614 Chippendale Trail, spoke to the importance of existing services and to the negative impact the loss of these services would have on children, families, women and businesses.

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Melody Heath, residing at 3237 Yanceyville Street, requested Council to keep the monthly, unlimited SCAT pass; spoke to the importance of this service to citizens with disabilities and the negative impact its elimination would have on the community; and offered her opinion with regard to the accuracy of recording services related to the no show and cancellation policy.

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Debbie Lumpkins, residing at 4059 Southview Drive, spoke to the benefits of arts to individuals and the community and requested Council to increase the investment in arts.

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Jim Swofford, residing at 1506 Rankin Road, spoke to the activities of the Children's Theatre and its positive impact on the community, detailed his family's personal experiences with the Theatre, and requested Council maintain Theatre funding.

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Bill Craft, residing at 1000 Dover Road, offered his personal opinion with regard to high taxes and expressed his concern that the City had assumed responsibility for things that should be funded by Guilford County. He expressed his belief that Guilford County and County residents living outside the City Limits should pay their fair share for facilities/services that serve these County residents and were currently subsidized by Greensboro citizens.

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Speaking in support of maintaining the Nussbaum Fund and the library resources, Jim Donnelly, residing at 3503 Smoketree Drive and representing the East Market Street Development Consortium, detailed the benefits these programs provided to the small business community.

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Lee Niegelsky, residing at 5369 Niblick Court and representing his grandson Chris Fagge, a resident of Bell House on Summit Avenue, read his grandson's letter expressing concern about the change in SCAT service. He spoke to his grandson's disability and to the importance of the SCAT program that offered citizens with disabilities an opportunity to participate in outside activities.

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The Mayor declared a recess at 7:40 p.m.

The meeting reconvened at 8:06 p.m. with all members of Council present.

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Romallus Murphy, residing at 339 E. East Montcastle, spoke in support of SCAT services for citizens with special needs to ensure their access to services and requested Council to consider the impact the proposed changes would have on these citizens.

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Speaking to his personal experience with homelessness, Michael Brown, residing at 322A North Swing Road, emphasized the importance of helping people escape from homelessness and stated he was glad to learn that most of the money in the Nussbaum Fund would be maintained.

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Eddy Summers, president of the Greensboro Police Officers Association, asked Council to reconsider increasing the manpower for the Greensboro Police Department. He spoke to past studies which detailed the need for officers, provided information with regard to response time, gave examples of delayed response time to calls, noted the impact of annexations on Police service, and provided statistical information with regard to criminal activity.

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Nina Wood, residing at 2613 Stratford Drive, detailed her family's personal experience and participation in the Children's Theatre and spoke the benefits provided to participants.

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Jesse Bledsoe, minister of Buffalo Presbyterian Church on 16<sup>th</sup> Street, spoke to his personal experience in working with the residents of Bell House and to his personal relationships with persons with disabilities. He spoke to the importance of the SCAT service to the disabled and requested Council to find the funds to underwrite the program.

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Ralph Johnson, Co-Chair Citizens of Northeast Greensboro, offered comparisons with regard to the businesses, services and other amenities offered in East and West Greensboro and requested Council to take action to address this disparity in services.

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Councilmember Bellamy-Small moved to close the public hearing on the 2006-07 Annual Budget. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

The Mayor advised that Council was scheduled to vote on the budget at the June 20 Council meeting.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 831-833 Guilford College Road—1.969 acres. He thereupon introduced so these matters could be discussed together, an ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the northeast quadrant of Guilford College Road and Sapp Road from the High Residential land use classification to the Commercial land use classification, and an ordinance establishing original zoning from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-12 Residential Single Family to City Zoning Conditional District- General Business for property located at the northeast quadrant of Guilford College Road and Sapp Road.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding area, reviewed the conditions attached to the zoning request, and stated the Zoning Commission had recommended approval of the rezoning.

Mayor Holliday asked if anyone wished to speak to these matters.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing MPR Properties, Inc., spoke in favor of the items and requested Council to consider adding the following conditions to the proposed ordinance: 5) Maximum of a single bay of parking shall be permitted between the restaurant/coffee shop building and the public street rights-of-way. 6) Drive-thru ordering stations and windows for the restaurant/coffee shall not be located between the restaurant/ coffee shop building and Guilford College Road. 7)Retail shops' rooftop mechanical equipment shall be screened from view from Guilford College Road. 8)Interior pedestrian circulation shall be provided through the use of clearly defined walkways and/or painted crosswalks and/or similar pedestrian oriented facilities, the location of which shall be at the developer's discretion, and 9) All free-standing signs constructed on the site shall be a maximum of 25 feet in height.

Councilmember Johnson moved to add the conditions to the proposed zoning ordinance as requested by Mr. Isaacson. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Isaacson reviewed the proposed development and other development in the area. He provided information with regard to area traffic, including traffic impact study findings that indicated a traffic signal was needed at this location, the fact that the roadway currently operated at Level F, and the developer's opinion that the development would have a minimal impact on the area. After he offered letters of support, the City Attorney advised Council couldn't consider the letters because they were not notarized.

Brian Pierce, 908 McLellan Park, Vice President of Pierce Homes, detailed company development activities, spoke to area development, stated that he believed this proposal would be in harmony with the area and was the highest and best use of the property; he requested Council to approve the items.

There being no additional speakers, Councilmember Phillips moved to close the public hearing on the items. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails spoke to the transition in this area, stated that the Comprehensive Plans recommended high residential zoning, reviewed portions of corridor studies and the Comprehensive Plan that opposed the merging of the two existing commercial areas and stated that staff was concerned that if this zoning were approved, other properties would be under pressure for rezoning. Mr. Hails advised that staff did not oppose some type of commercial in a mixed use setting that would serve the residential area but due to the lack of conditions with regard to detailed use, staff recommended denial of the Comprehensive Plan amendment and the rezoning.

Brief discussion was held with regard to traffic conditions in the area, including whether a signal was warranted at this location, the current level of operation of this roadway at Level F, etc.

Some members of Council expressed individual opinions, with Councilmembers Gatten and Carmany opposing commercial development at this location and other members of Council supporting the zoning as a logical fill that would provide walkability in the community. In response to an inquiry by Councilmember Bellamy-Small, Jim Westmoreland, Transportation Department Director, stated that his staff would look at this area to determine safety needs.

Councilmember Johnson moved to adopt the ordinance annexing territory to the corporate limits located at 831-833 Guilford College Road—1.969 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Holliday, Johnson, Phillips and Wells. Noes: Carmany and Gatten.

**06-109 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 831-833 GUILFORD COLLEGE ROAD – 1.969 ACRES)**

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

Beginning as a point in the southeastern right-of-way line of Guilford College Road (NCSR # 1546) at its intersection with the northern right-of-way line of Sapp Road (NCSR # 1560), said point being in the existing Greensboro corporate limits (as of April 30, 2006); THENCE PROCEEDING WITH THE EXISTING CITY LIMITS with the southeastern margin of Guilford College Road along a curve to the right having a radius of 1,101.89 feet and a chord bearing and distance of N 32° 25' 42" E 120.61 feet to a right-of-way monument; thence with the old right-of-way line of Guilford College Road the following bearings and distances: N 36° 32' 24" E 33.95 feet to a point, and N 37° 25' 21" E 108.70 feet to a point; thence leaving the old right-of-way line of Guilford College Road S 75° 13' 45" E 1.08 feet to a point; thence N 37° 25' 21" E 22.60 feet to a point in the southwest line of an old access easement as recorded in Plat Book 7, Page 96 in the Guilford County Register of Deeds but was closed in Deed Book 4415, Page 897 in the Guilford County Register of Deeds; thence S 56° 06' 03" E 149.36 feet along said southwest line to a point, thence N 33° 53' 57" E 10.00 feet to the centerline of said easement; THENCE DEPARTING FROM THE EXISTING CITY LIMITS following the centerline of the aforementioned abandoned easement S 56° 06' 03" E 122.89 feet to a point, said point being the northwest corner of Norman L. Sartin and Bessie H. Sartin (formerly B.L. Heath); thence along the western line of Sartin S 18° 58' 32" W 210.36 feet to northern right-of-way line of Sapp Road), said point being the southwest corner of Sartin; thence along said northern right-of-way line the following bearings and distances: N 83° 32' 02" W 80.96 feet to a right-of-way monument, N 06° 27' 58" E 18.75 feet to a right-of-way monument, N 83° 32' 02" W 212.55 feet to a right-of-way monument, and N 28° 25' 19" W 76.42 feet to the Point and Place of Beginning, and containing 1.969 acres more or less.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved adoption of the ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the northeast quadrant of Guilford College Road and Sapp Road from the High Residential land use classification to the Commercial land use classification. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Holliday, Johnson, Phillips and Wells. Noes: Carmany and Gatten.

06-110 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN



AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the Greensboro Connections 2025 Comprehensive Plan on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the High Residential land use classification to the Commercial land use classification for a portion of the property located on the northeast quadrant of Guilford College Road and Sapp Road; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section. 1 The Generalized Future Land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provision of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall be come effective upon adoption.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at the northeast quadrant of Guilford College Road and Sapp Road from County RS-40 and City RS-12 to City CD-GB, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) It promotes a sound, sustainable pattern of land use for development at the fringe; 2) It continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; and 3) it provides walkability and the concept of mixed use. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Holliday, Johnson, Phillips and Wells. Noes: Carmany and Gatten.

06-111 AMENDING OFFICIAL ZONING MAP

NORTHEAST QUADRANT OF GUILFORD COLLEGE ROAD AND SAPP ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-12 Residential Single Family to City Zoning Conditional District – General Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

Beginning as a point in the southeastern right-of-way line of Guilford College Road (NCSR # 1546) at its intersection with the northern right-of-way line of Sapp Road (NCSR # 1560), said point being in the existing Greensboro corporate limits (as of April 30, 2006); thence with the southeastern margin of Guilford College Road along a curve to the right having a radius of 1,101.89 feet and a chord bearing and distance of N 32° 25' 42" E 120.61 feet to a right-of-way monument; thence with the old right-of-way line of Guilford College Road the following bearings and distances: N 36° 32' 24" E 33.95 feet to a point, and N 37° 25' 21" E 108.70 feet to a point; thence leaving the old right-of-way line of Guilford College Road S 75° 13' 45" E 1.08 feet to a point; thence N 37° 25' 21" E approximately 32.6 feet to a point in the centerline of an old access easement as recorded in Plat Book 7,

Page 96 in the Guilford County Register of Deeds but was closed in Deed Book 4415, Page 897 in the Guilford County Register of Deeds; thence S 56° 06' 03" E approximately 149 feet along said centerline to a point, thence continuing along said centerline S 56° 06' 03" E 122.89 feet to a point, said point being the northwest corner of Norman L. Sartin and Bessie H. Sartin (formerly B.L. Heath); thence along the western line of Sartin S 18° 58' 32" W 210.36 feet to northern right-of-way line of Sapp Road), said point being the southwest corner of Sartin; thence along said northern right-of-way line the following bearings and distances: N 83° 32' 02" W 80.96 feet to a right-of-way monument, N 06° 27' 58" E 18.75 feet to a right-of-way monument, N 83° 32' 02" W 212.55 feet to a right-of-way monument, and N 28° 25' 19" W 76.42 feet to the Point and Place of Beginning, and containing 2.003 acres more or less.

Section 2. That the original zoning and rezoning to Conditional District – General Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses in the Limited Business zoning district, plus restaurant/coffee shop with drive thru.
- 2) Any building shall be constructed of substantially brick building materials.
- 3) All exterior lighting shall be directed away from adjoining properties.
- 4) Any building on the subject property shall be limited to one story in height.
- 5) Maximum of a single bay of parking shall be permitted between the restaurant/coffee shop building and the public street rights-of-way.
- 6) Drive-thru ordering stations and windows for the restaurant/coffee shall not be located between the restaurant/coffee shop building and Guilford College Road.
- 7) Retail shops' rooftop mechanical equipment shall be screened from view from Guilford College Road.
- 8) Interior pedestrian circulation shall be provided through the use of clearly defined walkways and/or painted crosswalks and/or similar pedestrian oriented facilities, the location of which shall be at the developer's discretion.
- 9) All free-standing signs constructed on the site shall be a maximum of 25 feet in height.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 4535 West Wendover Avenue—6.118 acres. He thereupon introduced so these matters could be discussed together, an ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan, to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of West Wendover Avenue east of Brewster Drive and north of Cates Drive from the Moderate Residential land use classification to the High Residential land use classification, and an ordinance establishing original zoning from County Zoning Conditional Use – RM-18 Residential Multifamily to City Zoning Conditional District- RM-18 Residential Multifamily for property located on the south side of West Wendover Avenue east of Brewster Drive and north of Cates Drive.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding area, reviewed the conditions attached to the zoning request, and stated the Zoning Commission had recommended approval of the rezoning. He noted the request initially was considered and approved by Guilford

County and that the neighbors were informed of the proposal; however, the developer had decided to apply for annexation of this property into the City because of the provision of City utility connections.

Mayor Holliday asked if anyone wished to be heard.

Ronny Hussami, residing at 1623 Deercroft Court and representing SRJ Properties, LLC, spoke in favor of the items and requested Council's approval. He provided details with regard to the proposed development of the property, noted the inclusion of a buffer to protect the adjacent property owners, spoke to the development in surrounding areas, and stated there was no opposition to these requests.

There being no additional speakers, Councilmember Phillips moved to close the public hearing on the three ordinances. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

Mr. Hails stated that there was no opposition to these requests, the project was a good transition among existing zoning uses, and the request was compatible with Comprehensive Plan recommendations.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits (located at 4535 West Wendover Avenue—6.118 acres. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-112 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 4535 WEST WENDOVER AVENUE – 6.118 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the southeast right-of-way line of W. Wendover Avenue, said point being in the west property line of Frank D. Hayes, Sr. (Trustee) and Ether M. Hayes (Trustee) of the Hayes Family Living Trust, as recorded at Deed Book 5606, Page 791 in the Office of the Register of Deeds of Guilford County; thence with the west line of Hayes S 03° 42' 54" W 843.33 feet to a concrete post in the north line of Gregory K. Herring, as recorded at Deed Book 4574, Page 1701 in the Office of the Register of Deeds; thence N 89° 33' 40" W 361.22 feet along said north line and the north line of David Lee Phillips, as recorded at Deed Book 4197, Page 309 in the Office of the Register of Deeds to a point in the east line of Lot 2 in Block G of Section 4 of Idle Acres, as recorded at Plat Book 42, Page 96 in the Office of the Register of Deeds; thence with said east line and the east lines of Lot 1 of said Block G, of Lots 4 and 3 of Block F of said Section 4, and of Lot 1 of Block F of Section 3 of said subdivision N 04° 33' 52" E 660.46 feet to a point in the southeast right-of-way line of W. Wendover Avenue; thence with said right-of-way line N 63° 31' 12" W 404.80 feet to the point and place of BEGINNING, and containing approximately 6.118 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

(Signed) Thomas M. Phillips

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Councilmember Johnson moved adoption of the ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of Lees Chapel Road and east side of Yanceyville Street west of Mitchell Avenue from the Low Residential land use classification to the Moderate Residential land use classification. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-113 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the Greensboro Connections 2025 Comprehensive Plan on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the Moderate Residential to the High Residential land use classification for a portion of the property located on the south side of West Wendover Avenue east of Brewster Drive and north of Cates Drive; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land use map Figure 4-2 is amended as follows:

Section 1. The Generalized Future land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Yvonne J. Johnson

.....

Councilmember Phillips moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the south side of West Wendover Avenue from County CU-RM-18 to City CD-RM-18, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) It promotes a sound, sustainable pattern of land use for development at the fringe; 2) It continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas; and It promotes mixed-income neighborhoods. The motion was seconded by Councilmember Johnson; the ordinance was

adopted on the following roll call vote: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-114 AMENDING OFFICIAL ZONING MAP

#### SOUTH SIDE OF WEST WENDOVER AVENUE EAST OF BREWSTER DRIVE AND NORTH OF CATES DRIVE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RM-18 Residential Multifamily to Conditional District – RM-18 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southeast right-of-way line of W. Wendover Avenue, said point being in the west property line of Frank D. Hayes, Sr. (Trustee) and Ether M. Hayes (Trustee) of the Hayes Family Living Trust, as recorded at Deed Book 5606, Page 791 in the Office of the Register of Deeds of Guilford County; thence with the west line of Hayes S 03° 42' 54" W 843.33 feet to a concrete post in the north line of Gregory K. Herring, as recorded at Deed Book 4574, Page 1701 in the Office of the Register of Deeds; thence N 89° 33' 40" W 361.22 feet along said north line and the north line of David Lee Phillips, as recorded at Deed Book 4197, Page 309 in the Office of the Register of Deeds to a point in the east line of Lot 2 in Block G of Section 4 of Idle Acres, as recorded at Plat Book 42, Page 96 in the Office of the Register of Deeds; thence with said east line and the east lines of Lot 1 of said Block G, of Lots 4 and 3 of Block F of said Section 4, and of Lot 1 of Block F of Section 3 of said subdivision N 04° 33' 52" E 660.46 feet to a point in the southeast right-of-way line of W. Wendover Avenue; thence with said right-of-way line N 63° 31' 12" W 404.80 feet to the point and place of BEGINNING, and containing approximately 6.118 acres.

Section 2. That the original zoning to Conditional District – RM-18 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Condominiums for sale.
- 2) Exterior façade construction shall be substantially of brick material.
- 3) Condominiums shall be limited to three stories.
- 4) Limited to one curb cut on W. Wendover Avenue.
- 5) Along the western property line a type "B" yard with type "A" plantings shall be required and utilizing the existing vegetation to the maximum extent.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Thomas M. Phillips

.....

The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the Corporate Limits (located at 5410 Cedar Field Drive-0.232 acres). He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning from County Zoning Conditional Use-RM-18 Residential Multifamily to City Zoning Conditional District-RM-18 Residential

Multifamily for property located on the south side of West Wendover Avenue east of Brewster Drive and north of Cates Drive.

Noting Council's past consideration of area property, Mr. Hails advised this property was contiguous to the City. The Council waived the staff presentation of maps and photographs of the property.

Mayor Holliday asked if anyone wished to be heard.

David Jarman, residing at 5410 Cedar Fields Drive and owner of the property, spoke in favor of the two items and stated that he was present to answer any questions.

Councilmember Johnson moved to close the public hearing on the two items. The motion was seconded by Councilmember Bellamy-Small and approved unanimously by voice vote of Council.

Mr. Hails stated that there was no opposition to these items, the request was consistent with the Comprehensive Plan recommendations and stated the Zoning Commission and Staff recommended approval.

Councilmember Bellamy-Small moved adoption of the ordinance annexing territory to the corporate limits (located at 5410 Cedar Field Drive-0.232 acres). The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

06-115 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5410 CEDAR FIELD DRIVE – 0.232 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the southeast corner of Lot 122 of Phase 1 of Highland Grove, as recorded in Plat Book 119, Page 11 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the south line of said Lot 122 S 89° 24' 45" W 134.24 feet to the southwest corner of said Lot 122, a point in the east right-of-way line of Cedar Field Drive; thence with said right-of-way line with a curve to the right with a radius of 298.68 feet and a chord bearing and distance of N 07° 24' 49" E 83.15 feet to a point; thence with said right-of-way line and the south right-of-way line of Highland Grove Drive with a curve to the right with a radius of 20.00 feet and a chord bearing and distance of N 65° 05' 25" E 30.50 feet to a point; thence with said south right-of-way line with a curve to the right with a radius of 5,444.09 feet and a chord bearing and distance of S 64° 40' 27" E 106.53 feet to the northeast corner of said lot, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 00° 31' 35" W 48.36 feet with the east line of said lot to the point and place of BEGINNING, and containing approximately 0.232 acres, and being all of said Lot 122.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after August 31, 2006, the liability for municipal taxes for the 2006-2007 fiscal year shall be prorated on the basis of 10/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2007-2008 fiscal on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after August 31, 2006.

(Signed) T. Dianne Bellamy-Small

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Councilmember Johnson moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located at 5410 Cedar Field Drive from County RS-15 to City RS-15, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) It is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map; 2) It continues to link City-initiated annexations and approvals of annexation petitions to water/sewer extension policies regarding designated growth areas and 3) It promotes a sound, sustainable pattern of land use for development at the fringe. The motion was seconded by Councilmember Bellamy-Small; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-116 AMENDING OFFICIAL ZONING MAP

#### SOUTHEAST QUADRANT OF CEDAR FIELD DRIVE AND HIGHLAND GROVE DRIVE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-15 Residential Single Family to City Zoning RS-15 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro city limit line (as of March 31, 2006), said point being the southeast corner of Lot 122 of Phase 1 of Highland Grove, as recorded in Plat Book 119, Page 11 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the south line of said Lot 122 S 89° 24' 45" W 134.24 feet to the southwest corner of said Lot 122, a point in the east right-of-way line of Cedar Field Drive; thence with said right-of-way line with a curve to the right with a radius of 298.68 feet and a chord bearing and distance of N 07° 24' 49" E 83.15 feet to a point; thence with said right-of-way line and the south right-of-way line of Highland Grove Drive with a curve to the right with a radius of 20.00 feet and a chord bearing and distance of N 65° 05' 25" E 30.50 feet to a point; thence with said south right-of-way line with a curve to the right with a radius of 5,444.09 feet and a chord bearing and distance of S 64° 40' 27" E 106.53 feet to the northeast corner of said lot, a point in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 00° 31' 35" W 48.36 feet with the east line of said lot to the point and place of BEGINNING, and containing approximately 0.232 acres, and being all of said Lot 122.

Section 2. This ordinance shall be effective on the date of annexation.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of Lees Chapel Road and east side of Yanceyville Street west of Mitchell Avenue from the Low Residential land use

classification to the Moderate Residential land use classification. He thereupon introduced so these matters could be discussed together, an ordinance rezoning from RS-12 Residential Single Family to Conditional District- RM-12 Residential Multifamily for property located on the south side of Lees Chapel Road and east side of Yanceyville Street west of Mitchell Avenue.

Mr. Hails reviewed the proposal, presented a context map and photographs to describe the subject property and surrounding area, reviewed the conditions attached to the zoning request, stated there was no opposition to these items and advised the Zoning Commission had recommended approval of the rezoning.

Mayor Holliday asked if anyone wished to be heard.

Using a map to illustrate a site plan for the property, Charlie Melvin, attorney with offices at 200 North Greene Street and representing Kavanaugh Homes, detailed the proposed development and stated that the Zoning Commission had recommended in favor of the proposal.

After brief discussion with regard to traffic and there being no additional speakers, Councilmember Phillips moved to close the public hearing for the two items. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Carmany moved adoption of the ordinance amending the Greensboro Code of Ordinances, Chapter 30, Zoning, Planning and Development, Section 30-1-10, Relation to the Comprehensive Plan to consider an amendment to the *Connections 2025 Comprehensive Plan* Generalized Future Land Use Map (Figure 4-2) for a portion of the property located on the south side of Lees Chapel Road and east side of Yanceyville Street west of Mitchell Avenue from the Low Residential land use classification to the Moderate Residential land use classification. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-117 AMENDING THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN

##### AN ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP OF THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30, SECTION 30-1-10

WHEREAS, the City Council adopted the Greensboro Connections 2025 Comprehensive Plan on May 6, 2003 which contains a Generalized Future Land Use Map, and is labeled Figure 4-2; and

WHEREAS, an amendment to that as shown on the attached map to change the land use classification from the Low Residential to the Moderate Residential land use classification for a portion of the property located on the south side of Lees Chapel Road and east side of Yanceyville Street West of Mitchell Avenue; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA, that the Generalized Future Land Use Map Figure 4-2 is amended as follows:

Section 1. The Generalized Future land Use Map Figure 4-2 is hereby amended as shown on the attached map.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 3. This ordinance shall become effective upon adoption.

(Signed) Sandy Carmany

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Councilmember Gatten moved adoption of the ordinance and stated that the Greensboro City Council believes that its action to approve the zoning amendment, located on the south side of Lees Chapel Road and east side of Yanceyville Street from RS-12 to CD-RM-12, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: 1) It is generally consistent with the Moderate Residential land use category indicated for a portion of this site on the Connections 2025 Generalized Future Land Use Map; 2) It promotes sound investment in Greensboro's urban areas; 3) it promotes mixed-income neighborhoods; and It promotes new forms of compact development. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 06-118 AMENDING OFFICIAL ZONING MAP

##### SOUTH SIDE OF LEES CHAPEL ROAD AND EAST SIDE OF YANCEYVILLE STREET WEST OF MITCHELL AVENUE

##### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional District – RM-12 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of Yanceyville Street, said point being the northwest corner of Garner James Randolph as recorded in Deed Book 2891, Page 613 in the Office of the Guilford County Register of Deeds; thence along said eastern right-of-way line N02°10'04"E 313.77 feet to a point; thence continuing along said right-of-way line N04°53'34"E 79.85 feet to a point; thence continuing along said right-of-way line N10°59'54"E 105.59 feet to a point; thence leaving said right-of-way line S88°33'18"E 283.27 feet to a point; thence N02°38'27"E 234.15 feet to a point in the southern right-of-way line of Lees Chapel Road; thence along said southern right-of-way line the following three courses and distances: 1) N88°27'22"E 107.77 feet to a point, 2) N80°47'12"E 98.82 feet to a point, and 3) N67°07'53"E 74.82 feet to a point, said point being the northwest corner of Jesse J. and Nancy O. Cockman as recorded in Deed Book 2478, Page 608; thence S05°03'22"E 337.26 feet to a point; thence S05°35'04"E 519.97 feet to a point; thence N83°11'08"W 692.22 feet to the point and place of BEGINNING as shown on "Sketch Plan for 108 Unit Condominium Development Lee's Chapel/Yanceyville St. for Kavanaugh Associates, Inc." prepared by Evans Engineering, Inc. and dated January 12, 2006.

Section 2. That the rezoning of RS-12 Residential Single Family to Conditional District – RM-12 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Condominiums designed for sale and accessory uses.
- 2) There will be a maximum of one hundred eight (108) condominium units.
- 3) Pedestrian access connections will be provided to the adjacent CD-LB property to the northwest.
- 4) Pedestrian connections will be provided to the public sidewalks along Yanceyville Street and Lees Chapel Road.
- 5) Comparable signage, architectural style, lighting and landscaping will be provided similar to the CD-LB property to the northwest.
- 6) A Type B planting rate will be provided within the planting yard along the eastern property line.
- 7) A 6' high opaque privacy fence will be constructed along the entire eastern property line.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of adoption.

(Signed) Florence F. Gatten

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Councilmember Gatten moved adoption of the ordinances, resolutions and motions listed on the Consent Agenda. The motion was seconded by Councilmember Bellamy-Small; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

#### 100-06 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Florence F. Gatten

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#### 06-119 AMENDING CHAPTER 20

AN ORDINANCE AMENDING CHAPTER 20 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO PEDDLERS, SOLICITORS, ETC. AND THE LICENSING OF PERSONS BEGGING OR SOLICITING ALMS FOR PERSONAL GAIN

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Sec. 20-66 of the Greensboro Code of Ordinances is hereby amended to read as follows:

No person shall sell, or offer for goods for sale, or solicit contributions for their own personal benefit or engage in any other form of commercial speech in the City of Greensboro unless such persons have previously registered therefore and obtained the panhandler privilege license required under section 13-31 and section ~~13-116~~ **13-102.1** of the Greensboro Code of Ordinances.

Section 2. That Section 20-67 (a) of the Greensboro Code of Ordinances is hereby amended to read as follows:

(a) Applications for panhandler privilege licenses from individuals under this article shall be submitted to the office of the city tax collector on forms provided by the office of the city tax collector. ~~Following the submission of the application there will be a reasonable period of time during which a background check shall be completed on the applicant.~~ **The applicant shall submit with the application a criminal background history obtained from the executive officer to the Chief of Police.** Thereafter, any panhandler privilege license issued shall be valid until the end of the fiscal year in which said license was issued or for such other period as may be specified on the license

certificate or until information is discovered that causes the licensee, in the opinion of the tax collector, to become disqualified. In such instances of disqualification any panhandler privilege license having been issued shall be revoked by the tax collector.

Section 3. That Section 20-72(c) of the Greensboro Code of Ordinances is hereby amended to read as follows:

(c) A person is not eligible for a panhandler privilege license or renewal of a panhandler privilege license if within the most recent five-year period:

(1) The Tax Collector has received information from the executive officer to the Chief of Police that the person has two (2) or more violations of this chapter;

(2) The Tax Collector has received information from the Executive Officer to the Chief of Police that the person has been convicted of two (2) or more offenses under the law of any jurisdiction which involve aggressive or intimidating behavior while begging or soliciting alms, aggravated assault, communicating threats, any other types of personal injury crimes, or the making of false or misleading representations while begging or soliciting alms. ~~Greensboro Police Department shall conduct a statewide criminal history check;~~ the person has been convicted of any felony crime; or

~~(3) The person has been charged with any felony crime; or~~

~~(4)~~ (3) The person otherwise does not qualify for a privilege license in accordance with this chapter.

(d) The panhandler privilege license shall display the essential rules and regulations of this chapter. Such rules shall serve as a compliance guide for the licensee.

(e) Any person who makes any false or misleading statement while applying for a panhandler's privilege license under this chapter is guilty of a misdemeanor. Upon receipt of information of such a violation, the tax collector shall decline to issue a privilege license to the offending applicant or shall revoke the license of the offending licensee.

(f) If a person applies for or is issued a privilege license under this chapter and the tax collector receives information that the person has violated any provision of this chapter, the tax collector shall decline to issue or shall revoke, respectively, that person's privilege license for a period of two (2) years.

Section 4. That Section 20-73 of the Greensboro Code of Ordinances is hereby amended to read as follows:

"Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175.

A police officer observing a violation of this article shall confiscate the panhandler privilege license and return it to the tax department. The licensee may appear before the Tax Collector and show cause, to the satisfaction of the Tax Collector, why the license should not be revoked."

Section 5. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All other provisions of the Greensboro Code of Ordinances shall remain in full force and effect.

Section 6. That this Ordinance shall become effective upon adoption.

(Signed) Florence F. Gatten

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#### 101-06 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF JONES & WEIKEL FOR THE BATTLEGROUND RAIL TRAIL PROJECT

WHEREAS, in connection with the Battleground Rail Trail improvements project, the property owned by Jones & Weikel, Tax Map No. 273-6-10 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$31,528.01, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$31,528.01 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 441-6004-02.6012 Activity #02042.

(Signed) Florence F. Gatten

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111-06 RESOLUTION RESCINDING RESOLUTION 46-06 ADOPTED MARCH 21, 2006, APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2004-003 WITH SMITH-ROWE, INC. FOR THE BILLY "CRASH" CRADDOCK BRIDGE REPLACEMENT AT 16<sup>TH</sup> STREET

WHEREAS, on March 21, 2006, the City Council authorized the execution of Contract No. 2004-003 with Smith-Rowe, Inc. for the rehabilitation and replacement of the Billy "Crash" Craddock Railroad Bridge on Sixteenth Street;

WHEREAS, due to 80% State and Federal funds being involved, the contract required North Carolina Department of Transportation and Federal Highway Administration approval;

WHEREAS, the contract was awarded on March 21, 2006, and submitted to the North Carolina Department of Transportation for review and concurrence but was denied due to the omission of the Disadvantaged Business Enterprise guidelines;

WHEREAS, at a follow-up meeting with the Federal Highway Administration the contract was also denied and it was requested that the City re-bid the contract and include their Disadvantaged Business Enterprise guidelines and documentation;

WHEREAS, it is necessary for City Council to rescind resolution 46-06 adopted March 21, 2006 before a new bid process can begin.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That resolution 46-06 adopted March 21, 2006 approving bid and authorizing execution of Contract No. 2004-003 with Smith-Rowe, Inc. for the Billy "Crash" Craddock Bridge Replacement at 16<sup>th</sup> Street is hereby rescinded.

(Signed) Florence F. Gatten

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06-120 ORDINANCE AMENDING THE FISCAL YEAR 2005-06 WATER RESOURCES CAPITAL RESERVE FUND BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1

That the FY 2005-06 Water Resources Capital Reserve Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations below be increased:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
502-7001-01.6503	Transfer to Water Resources Capital Improvement Fund – Chloramine Conversion Project	\$5,259,278

And, that this increase is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
502-7001-01.8900	Appropriated Fund Balance	\$5,259,278

## Section 2

That the Water Resources Capital Improvements Fund Budget of the City of Greensboro is hereby amended, as follows:

That the appropriations below be increased:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
503-7002-01.6019	Chloramine Conversion Project	\$5,259,278

And, that this increase is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
503-7002-01.9502	Transfer from the Water Resources Capital Reserve Fund	\$5,259,278

## Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Florence F. Gatten

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## 114-06 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2006-010 WITH CHOATE CONSTRUCTION COMPANY FOR THE AQUEOUS AMMONIA AND LIME SYSTEM IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Aqueous Ammonia and Lime System improvements project;

WHEREAS, Choate Construction Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$7,582,000.00 as general contractor for Contract No. 2006-010, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Choate Construction Company is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to

carry the proposal into effect, payment to be made in the amount of \$7,582,000.00 from Account No. 503-7002-01.6019, Activity #05181.

(Signed) Florence F. Gatten

(A tabulation of bids for the aqueous ammonia and lime system improvements project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The motion to approve Greensboro/Guilford County Tourism Development Authority 2006-2007 Fiscal Year Budget was unanimously adopted. (A copy of the budget is filed in Exhibit Drawer P, Exhibit Number 24, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meeting of May 16, 2006 was unanimously adopted.

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Mayor Holliday introduced a resolution supporting the designation of the City of Greensboro as a "Dear Sudan Campaign City".

After brief discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Bellamy-Small; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Carmany, Gatten, Groat, Holliday, Johnson, Phillips and Wells. Noes: None.

**115-06 RESOLUTION SUPPORTING THE DESIGNATION OF THE CITY OF GREENSBORO AS A 'DEAR SUDAN CAMPAIGN CITY'**

WHEREAS, the conflict in Sudan has killed hundreds of thousands and left 3.5 million refugees or Internally Displaced People (IDPs);

WHEREAS, governments of the world are calling the situation in the Darfur province of Sudan genocide, reminiscent of that witnessed in Rwanda;

WHEREAS, a group of concerned individuals and agencies have formed a Greensboro Dear Sudan campaign to respond in a tangible way to the starvation and suffering in the Darfur province of Sudan;

WHEREAS, only sixteen cents (\$.16) per day is needed to feed a Sudanese refugee;

WHEREAS, communities across the United States have formed Dear Sudan campaigns to raise funds to feed one Sudanese refugee for one day for each citizen in each of their communities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the citizens of Greensboro become a community of compassion and support the designation of the City of Greensboro as a 'Dear Sudan Campaign City'.

2. That contributions to the campaign be made out to CWS and sent to Greensboro Urban Ministry, with a notation that they are for the Greensboro Dear Sudan Campaign.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced the following resolution, which was read by title and summarized by the City Manager, a copy thereof having been provided to each Councilmember prior to the meeting:

**RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION AND RATIFYING TAKING OF OTHER ACTIONS**

WHEREAS, the City Council of the City of Greensboro, North Carolina (the “City”) is considering the authorization of \$24,500,000 Fire Station Bonds, \$5,200,000 Municipal Building Bonds, \$5,300,000 Greensboro Historical Museum Bonds, \$850,000 Neighborhood Redevelopment Bonds, \$8,600,000 Library Facilities Bonds, \$36,800,000 War Memorial Auditorium Bonds, \$9,000,000 Competitive Swimming Facility Bonds, \$5,000,000 Parks and Recreational Facilities Bonds, \$5,500,000 War Memorial Stadium Bonds, \$10,000,000 Economic Development Bonds, and \$5,000,000 International Civil Rights Museum Bonds of the City (collectively, the “Bonds”) for the purpose of financing needed public improvements; now, therefore,

**BE IT DETERMINED AND RESOLVED** by the City Council of the City of Greensboro:

Section 1. The City Council hereby finds and determines, in connection with authorizing the issuance of the Bonds, that (a) the issuance of the Bonds is necessary or expedient for the City, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purposes of such Bonds, (c) the City’s debt management procedures and policies are good and are managed in strict compliance with law, (d) the increase, if any, in taxes necessary to service the Bonds will not exceed 2.25 cents per \$100 assessed valuation and (e) under current economic conditions, the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby authorized to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the “LGC”), the action of the Finance Director in retaining Sidley Austin LLP and Law Offices of Steve Allen as Co-Bond Counsel is hereby ratified and confirmed, and the LGC is hereby requested to approve such Co-Bond Counsel.

Section 3. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved as to form the foregoing resolution.

Upon motion of Councilmember Florence F. Gatten, seconded by Councilmember Yvonne J. Johnson, the foregoing resolution entitled: “RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION AND RATIFYING TAKING OF OTHER ACTIONS” was passed by roll call vote as follows:

Ayes: Michael L. Barber, T. Dianne Bellamy-Small, Sandra G. Carmany, Florence F. Gatten, Sandra Anderson Groat, Keith A. Holliday, Yvonne J. Johnson, Thomas M. Phillips and Goldie F. Wells.

Noes: None.

The Mayor thereupon announced that the resolution entitled: “RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GREENSBORO, NORTH CAROLINA, AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION AND RATIFYING TAKING OF OTHER ACTIONS” had passed by a vote of 9 to 0.

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Council discussed various issues related to the 2006 Bond Referendum; i.e., the timeframe for making any changes to the amounts of the proposed bond items, the work Council had done to reduce the bond amounts being considered, personal observations with regard to the impact the bonds will have on the vision for Greensboro's future, etc. Councilmember Phillips clarified that Council's support of continuing this process did not signify Council's support of all the bond items. Councilmember Barber also confirmed with staff that Council would have an opportunity to vote individually on the proposed bond items.

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J. B. Cook, residing at 1729 Youngs Mill Road, spoke to the need for adequate swim facility in Greensboro, the benefits of a facility to GSA and citizens, and his work with the Special Olympics.

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Council discussed various items and events of interest to the community, including activities related to the Fun Fourth Festival, Town Hall Day in Raleigh, the Police Appreciation Dinner and Memorial Service and events at the Coliseum.

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Councilmember Gatten noted that comparisons with other cities with regard to unlimited ride passes had been made and emphasized that various factors must be taken into consideration when making these comparisons; i.e., the amount of State subsidy those cities received, whether the three-fourth mile fixed route was a factor, etc. She reiterated that the Greensboro Transit Authority (GTA) had no State subsidy and was operated by local funds. Councilmember Gatten cautioned that in the Manager's proposed budget, one-half cent was proposed for a transit tax increase and noted that without Council's enactment of the GTA Task Force recommendations with regard to SCAT policies/services, the one-half cent increase would not be sufficient to meet the expenses Greensboro was providing for SCAT services.

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Speaking to her work with the ABC Board and the Board's request that Council appoint a new Chair, Councilmember Bellamy-Small moved that Jesse Warren be appointed to serve as Chair of the ABC Commission; this term will begin 1 July 2006 and expire 1 July 2008. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote.

Councilmember Bellamy-Small added the name of Tiffany Taylor to the boards and commissions data bank for consideration for future service.

After Councilmember Bellamy-Small asked if action could be taken with regard to pet owners who don't pick up after their dogs in the downtown area, City Manager Johnson stated he would discuss this issue with the Downtown Greensboro, Inc. Board.

Councilmember Bellamy-Small asked that staff identify locations where free gun locks could be distributed.

Councilmember Bellamy-Small noted the death of Willard T. Lowe, Jr., and noted his accomplishments.

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Advising that she would offer a resolution honoring the memory of David Nesbit for Council's consideration at a future meeting, Councilmember Gatten spoke to his significant contributions to the community.

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Councilmember Wells noted that she had received a request from the Arlington Park Neighborhood requesting an ordinance prohibiting parking on front lawns, except for specific occasions. Stating that Council had discussed a similar ordinance in the past, the Mayor noted that this was a complicated issue and Council had encountered unforeseen problems, including the fact that an ordinance would be applicable to the entire City. After discussion, the City Attorney advised that she would investigate and provide information to Council.

Noting that she had accepted the Truth and Reconciliation Commission's report (executive summary), Councilmember Wells spoke to the work of the Commission, stated she believed Council should honor the commitment to study the Commission's findings and offered personal thoughts with regard to the Council's responsibility to respond to the Commission's findings/recommendations. She thereupon moved that the City Council study the findings of the Truth and Reconciliation Commission (executive summary) and present reactions to City of Greensboro at the July 18 Council meeting. The motion was seconded by Councilmember Johnson. In response to the Mayor's request for clarification, Councilmember Wells stated that she believed all members should read, discuss and come up with a statement to respond to citizens as a collective body.

Some members of Council discussed their individual thoughts with regard to the executive summary and the 400-page report, comments with regard to the contents of the report and whether the report should be discussed, and opinions as to whether they believed a collective response from the City Council should be given. Councilmember Phillips offered the suggestion that a member of Council believed there were important recommendations in the report that should be considered by Council, they should offer those specific issues for Council's consideration.

After lengthy discussion, Councilmember Barber offered a substitute motion that City Council commit to reading the executive summary of the Truth and Reconciliation Commission. The motion was seconded by Councilmember Gatten.

The Mayor suggested that Council schedule a voluntary meeting to discuss the report at 4:00 p.m. on July 18, 2006, in the Plaza Level Conference Room of the Melvin Municipal Office Building; Councilmember Barber accepted the Mayor's suggestion as a friendly amendment to his motion.

After Council voted to determine if Councilmember Barber's motion, with the friendly amendment, would be the main motion, the Mayor announced that Council had approved Councilmember Barber's amended motion as the main motion.

Mayor Holliday stated that Council would now vote on the main motion: "That the City Council commit to reading the executive summary of the Truth and Reconciliation Commission and schedule a voluntary meeting at 4:00 p.m. on July 18, 2006, in the Plaza Level Conference Room of the Melvin Municipal Office Building to discuss the report." After a Council vote was taken, the Mayor stated that Council the main motion had been adopted by Council on a show of hands.

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Councilmember Johnson added the name of Angela Carmichael to the boards and commissions data bank for consideration for service on the Zoning Commission, Commission on the Status of Women, Human Relations Commission and Planning Board.

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After Mayor Holliday reiterated his request that staff determine the ownership of the alley located at the 300 block of Elm and Greene Streets, the City Attorney advised that the City did not own the alley and that generally the law stated the property was owned by abutting property owners to the middle of the property. Assistant City Manager Ben Brown and the City Attorney stated that staff was working with Ray Gibbs, Executive Director of DGI, to resolve this issue. Assistant City Manager Brown also noted there were circumstances involving additional alleys that would need to be addressed.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10:45 P.M.

KEITH A. HOLLIDAY  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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